

not used

Excerpts from "The Case For Manchoukuo"
by George Bronson Rea

Manchoukuo Is Not Chinese

Pages 114-116

The legal relationship of Manchuria to China was never in question before 1911. No rational being would dispute the absolute right of the Manchus to sovereignty over their homeland up to that year; no arguments can set aside the legality and binding force of the Abdication Agreements between the Manchus and the Republic, sacred and solemn contracts incorporated into the fundamental law of the Republic, and then callously violated as to every clause; no proof can be adduced to support the contention that the Manchus have died out; so the claim of China to sovereignty over the territory of the Manchus reduces itself to the contention that since the Russo-Japanese War (1905) the influx of immigrants settling on the land has determined the ownership of the soil and that the right of sovereignty is coexistent with this occupancy.

The claim is so far-reaching, involving rights and interests and impeaching titles which have never been questioned in centuries, that they cannot possibly be disposed of by a commission which, instead of acting as mediators, constituted itself into a court from whose decision there was no appeal. To go back only to the Manchu conquest of China in 1644, we find that these strong men of the North, throughout their long rule over China, with their Mongol and Manchurian-Chinese allies, have occupied and held by right of possession all the territory north of the Great Wall as part of their homeland. It has been a reservoir from which to draw troops for replacements to hold their conquest and a safe retreat in the event of defeat. Sitting enthroned in Peking, they proclaimed their homeland a Crown Area, a closed preserve, and enacted stringent immigration laws to keep the Chinese out. They then prohibited intermarriage between the Bannermen (the Manchu Military Establishment) and the Chinese and enforced these laws up to within a few years of the abdication of their emperor as sovereign of China. Then they had their rights stipulated and recognized in solemn treaties which became the fundamental law of the new Republic.

The Chinese claims to sovereignty, based on the records of ancient history, have no force in law. Whatever rights they may have enjoyed in the dim and distant past to certain fringes in Southern Manchuria are lost, forgotten and invalidated by three centuries of Manchu occupation and sovereignty. Any Chinese claim to sovereignty over Manchuria must therefore be based on its nominal incorporation into the so-called Republic at the time of the abdication as defined by the terms of the Abdication Agreements. This basic charter has been ignored by the foreign Powers who, in subsequent treaties with the Republic, have agreed to recognize and respect the territorial and administrative independence of a state that has never been properly delimited, defined or constituted, a perpetuation on paper of an empire which collapsed and disintegrated into its component entities with the dissolution in 1911 of the Manchu authority....

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Manchuria Always Independent

Pages 208-209

It is necessary to stress certain absolute truths which require no exposition and which no outside nation acting as judge is called upon to challenge. Up to 1911, Manchuria was indisputably Manchu territory. That it was permitted to come even nominally under the rule of the Republic is traceable solely to the Abdication of the Manchu emperor and the fact that the Manchu Imperial Clan, the princes and the Manchu resident in Peking, confiding in the binding quality of the agreements written into the Fundamental law of the Republic, did not perceive the necessity of retiring at once to their homeland. The people of Manchuria saved their country from the fate of the rest of China by empowering General Chang Tso-lin to defend their frontiers against an invasion of the Republican armies. No Chinese war-lord from districts south of the Wall has exercised authority over Manchuria since the advent of the Republic. Its ruler has always been a Manchurian who not only kept the others out but, true to tradition, invaded China Proper and brought the northern half of the country under his rule. That Chang Hsuehliang conquered north China in 1930, making Peking his capital, and then entered into a pact with the war-lord of Nanking to divide the country between them while to fool the foreign Powers, Nanking was permitted to pose as the recognized government, in no way brought Manchuria even nominally under the rule of Nanking. Chang Hsuehliang was never the subordinate. He was the "Co-Ruler of China", equal in rank and prestige to Chiang Kai-shek, a fact he impressed upon all foreigners who met and talked with him. When Chang Hsueh-liang's military power was broken, and he could no longer terrorize the people of Manchuria into submission, the right to rule did not pass to his partner despot in Nanking, but to the people of Manchuria from whom his father originally derived his powers. When the people of Manchuria declared their independence they committed no injury or injustice to China or the Nanking war-lord, who has never even visited Manchuria, cannot speak the language, and would probably be mobbed if he stopped foot in the territory without an army at his back....

not used

滿洲國出現の合理性

フロンソン、レー著抜粋

第二編

第十章

滿洲國は支那の領土に非ず

一一四—一一六頁

滿洲と支那との法律關係は一九一一年の辛亥革命以前には嘗て問題にされたことはなかつたのである。即ち同年までは何人も滿洲人が其の祖國たる滿洲に絶對的主權を有することを争ふものはなかつたのである。更に又如何なる議論も滿洲人と支那共和國との間に取結ばれた清帝退位に關する協定の有効性及拘束力を無視することは出来ないものである。殊に此の協定は支那共和國の根本法となつた神聖、嚴肅なる契約なるに拘らず各條項とも無慘に破壞されたのである。去迎滿洲人が全部滅亡したと云ふ議論を支持し得る證據もないのである。故に支那が滿洲に主權を有すと云ふ主張は一九〇五年の日露戦争以來滿洲に流氓した支那の移民が滿洲の土地所有權を獲得し其の土地所有權に伴ふて滿洲に對する主權が存在すると云ふ議論に歸着するのである。反之滿洲側の主張は數世紀に亘つて替て争はれたことのない權利、利益及權原を包含する重大なるものであつて聯盟調查團などが容易に處理し得る問題ではないのである。其の調査團こそ仲裁者たる役目を忘れ自ら裁判所を構成し而も其の判決に控訴を許さないと云ふのである。試に遡つて一六四四年滿洲人が支那を征服したことに想到せんか剛強なる滿洲人が蒙古人及滿洲人

化した支那人と同盟して長城以北の土地全部を占領し滿洲の一部として所有權に基き之を保持して居たのである。而して此の土地は征服地支那を保持して行く上に於て必要なる軍隊を徵發すべき貯水池でもあり又一旦敗北せる場合には安全なる退却地でもあるのである。斯くして滿洲人が北京に於て王位に即くや祖國滿洲を王冠地及封禁地と宜し嚴重なる移民法を設けて支那人の入國を禁じたのである。次で八旗と支那人との雜婚を禁じ清朝退位數年前まで此の禁制を履行して居たのである。而して滿洲朝廷は退位當時支那人に彼等の權利を廢除する條約に規定し且つ承認せしめ其の條約は新共和國の根本法となつて居るのである。

支那人が古代史の記録を基礎として滿洲に主權を主張しても法律上の效力はないのである。假りに荒唐たる昔爾滿洲の邊境地方に多少の權利を有つて居たにしても最近三百年に亘る滿洲人の占領及主權に依つて無効となり忘却され喪失されたものである。故に滿洲に對して支那が主權を主張するとせば清朝退位の際退位協定の定むる所に依つて滿洲が名義上支那共和國に合併された事實に其の根據を置かねばならないのである。然るに諸外國政府は此の根本取極を無視し其の後支那共和國と締結した條約に於て國境も確定せず國家の組織法もない支那の領土的及行政的獨立を承認し尊重することを約束して居るのである。斯くの如きは實に一九一一年滿洲朝廷廢滅と俱に崩壊し分散

して各構成分子に還元した清帝國を紙上に於て引續き永存せしめんとする行為である。

第二十七章 滿洲國は昔から獨立國である 二〇八—二〇九頁

茲に絶對の眞理がある。夫れは説明を要せず。又滿洲國を裁かんとする外部の國が挑むことも出来ないものである。夫れを茲に強調する必要がある即ち一九一一年の辛亥革命まで滿洲が滿洲人の領土であつたことは争はれないことである。滿洲が名義上に於てする支那共和國の支配下に這入ることを許されたのは全く清帝の退位に基くものである。支那共和國の根本法となつた清帝退位協定の拘束力を信じて居た北京在住の清朝の宗族、王侯及旗人は當時直ちに其の祖國たる滿洲に引退する必要を認めなかつたのである。滿洲人が張作霖に共和軍の侵入に對して國境を防衛する權力を賦與したことが滿洲が支那の他の地方と同一運命に陥らなつた所以である。支那に共和國が出来て以來長城以南の軍閥は皆て滿洲に權力を行使したことはないのである。滿洲の統治者は恒に滿洲人であつて皆に外來者の來ることを防ぐのみならず其の傳統に従ひ支那本部を攻略し支那の北半を其の支配下に置いたものである。一九三〇年張學良が北支を攻略して首都を北京に奠め次て南京の軍閥と妥協して支那を二分し之と同時に諸外國を愚弄して南京政府を列強の承認した政府に仕立てたからと云つて夫れが爲斷じて滿洲が縱令名義上と雖、南京の治

下に入つた意味にはならないのである。張學良は嘗て南京政府の部下となつたことはいないのである。彼は其の資裕及權威に於て蔣介石と對等であつて「支那の共治者」である。彼は此の事實を面談せる凡有る外國人に強調して居るのである。故に張學良の武力が破壊せられ最早彼が滿洲人を恐怖せしめて服従を強めることが出来なくなつた時には彼の統治權は南京に於ける彼の獨宰者の仲間に移らずして彼の又張作霖が初めに其の權力を貰つた滿洲の人民に移るのである故に滿洲人が獨立を宣言したからと云つて彼等は支那に對し將又南京の軍閥に對し何等損害を與へもしないし又不正義を行つたことにもならないのである。彼等南京軍閥運は嘗て滿洲を訪問したこともなければ滿洲語を話すことも出来ないのみならず軍隊の後援なくして足を滿洲の地に踏入るれば恐らく暴動に還ふのである。